

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 08 CR 411
v.)	
)	Judge Matthew F. Kennelly
ABDERRAHMANE KHELLIL)	
also known as "Marco Lubrano")	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO
RESTRAIN, ENJOIN, OR SUSPEND ADMINISTRATIVE PROCEEDINGS
SEEKING TO RESCIND DEFENDANT'S ASYLUM STATUS**

Now comes the UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and states as follows:

(1) On June 11, 2008, the Chicago Asylum office of United States Citizenship and Immigration Services ("USCIS") notified defendant of its intent to terminate the asylum status that he had been granted on June 6, 2000. The notice referenced the fact that USCIS had obtained evidence that indicated fraud in defendant's application. It further stated that defendant was required to appear on July 14, 2005, for an interview.

(2) On July 8, 2008, defendant filed a motion requesting this Court to grant a stay of the administrative proceedings to terminate defendant's asylum status until the completion of the criminal case or dismiss the indictment. Defendant did not request USCIS to continue the interview, but did send a copy of the above-described criminal motion to USCIS.

(3) On July 9, 2008, this Court issued a temporary restraining order enjoining USCIS from interviewing the defendant until close of business on July 16, 2008. Defendant sent a copy of the order to USCIS.

(4) The USCIS, being made aware of the issue, has agreed to continue defendant's asylum termination review until there is either a verdict or plea of guilty in the case at bar. USCIS notified defendant of this decision by mail on July 12, 2008.

For the reasons set forth, the government requests that this Court deny the defendant's motion because the issue is moot.

Respectfully submitted,

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DATE: July 15, 2008

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

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was served on July 15, 2008, in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing pursuant to the district court's Electronic Case Filing (ECF) system as to ECF filers.

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